

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 24, 2000
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman
Bob Workman

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 17, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization dated October 17, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 10 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Heier seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

**Fresh Start, Inc.
Lincoln Action Program**

MOTION: Steinman moved and Heier seconded approval of motor vehicle tax exemptions for Fresh Start, Inc. and Lincoln Action Program. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **CORRECTIONS TO THE 2000-2001 TAX LEVIES FOR LANCASTER COUNTY, NEBRASKA:**

Gwen Thorpe, Deputy County Clerk, referred to documentation regarding a ten, five and one year comparison in trends (Exhibit A) and a copy of the corrected tax rates for Lancaster County for fiscal year 2000-2001 (Exhibit B). She noted the following changes:

- < Village of Hallam decreased the tax request by \$20,000.
- < Rokeby and Cheney Elementary Schools corrected the property value for the affiliated bond for those affiliated with Norris Schools. The Norris rate was correct.
- < Middle Creek Elementary School/Milford School added an affiliated bond.
- < Oak Valley affiliated with Malcolm Schools. Decreased the General Fund request \$7,000 and lowered the General Fund affiliated tax rate for Malcolm School District and Oak Valley.

In response to a question asked by Campbell, Thorpe said Tim Genuchi, accountant in the County Clerk's office, anticipated no further changes.

MOTION: Hudkins moved and Workman seconded approval of the corrections to the 2000-2001 tax levies for Lancaster County, Nebraska. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

5) **SETTING A PUBLIC HEARING FOR NOTICE OF VALUATION CHANGE:**

Setting of a public hearing for Tuesday, November 7, 2000 at 2:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for notice of valuation change for omitted or undervalued property for DWAI, L.L.C.

MOTION: Heier moved and Steinman seconded approval. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

6) **ADJOURNMENT**

MOTION: Steinman moved and Workman seconded adjournment of the Board of Equalization meeting. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

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Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 17, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Heier moved and Steinman seconded approval of the minutes of the Board of Commissioners meeting dated October 17, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, October 24, 2000.**

MOTION: Workman moved and Steinman seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **PUBLIC HEARINGS:**

A. A resolution approving \$6,500,000 of Variable Rate Demand Industrial Development Revenue Bonds, Series 2000 (Garner Industries, Inc. Project) and approving a lease and agreement, trust indenture and related documents. (R-00-131)

The Chair opened the public hearing.

3) **PUBLIC HEARINGS CONTINUED:**

Donald Burt, attorney representing Garner Industries, appeared and stated several months ago the County Board approved a preliminary resolution in relation to the bond issue for Garner Industries. He said they are now ready for final approval and added that the bond issue was for the construction of a new facility at 98th and Cornhusker Highway.

Burt also explained that the bonds are issued in the name of Lancaster County, however, the County would incur no liability. The liability is that of the principle user of the facility. He stated they are requesting 6.5 million dollars in bonds which will be handled by the Wells Fargo Bank.

Phil Mullin, Garner Industries, appeared and stated the new building at 98th and Cornhusker consists of 75,000 square feet and will sit back off of the highway. There will also be a pond and landscaping on the site.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Heier moved and Steinman seconded approval. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

B. County Special Permit 184, requested by Kathleen Itzen, to operate a child care facility/private school on property generally located at Northwest 112th Street and Highway 34 in Lancaster County, Nebraska.

The Chair opened the public hearing and read a letter into the record from the applicant regarding withdrawal of County Special Permit 184 (Exhibit G).

Lynette Nelson, 11402 West Fletcher Avenue, appeared and presented a petition opposing the special permit (Exhibit C). She noted the following concerns:

- < Water quantity
- < Sewage system
- < Children and basketballs on the highway
- < Traffic accidents

Approximately seven individuals opposing the special permit were in attendance at the meeting.

3) **PUBLIC HEARINGS CONTINUED:**

In response to a question asked by Campbell, Mike DeKalb, Planning Department, stated that the requested County Special Permit would be treated as if it never existed and reapplication could be done at any time.

Hudkins asked DeKalb to outline the process if reapplication were made.

The following steps were highlighted by DeKalb:

- < Notice in newspaper 10 days prior to the public hearing
- < Posting of signage on or near the property 10 days prior to the public hearing
- < Notification sent to property owners within a one mile radius

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Steinman moved and Workman seconded to approve the request of Kathleen Itzen to withdraw County Special Permit 184. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

C. County Final Plat 00012, Bentzinger's Pleasant Acres, requested by Lyle Loth of ESP on behalf of Arnold Bentzinger, for eight residential lots and one outlot reserved for agriculture, on property generally located north and west of the corner of Southwest 14th Street and West Wittstruck Road in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to testify in favor of County Final Plat 00012.

The Clerk administered the oath to Lyle Loth.

Lyle Loth, appearing on behalf of Arnold Bentzinger, stated the Planning Commission had requested a meeting be held with neighbors regarding their concerns. He said the meeting was conducted by Roger Harre, HOME Real Estate, and Arnold Bentzinger on October 23rd.

The Clerk administered the oath to Roger Harre.

3) **PUBLIC HEARINGS CONTINUED:**

Harre stated he would be representing Mr. Bentzinger on the sale of the lots. He added that he did host a meeting, along with Mr. Bentzinger, on the 23rd of October. Fifty-five invitations were mailed and five individuals were in attendance.

The Chair asked if anyone wished to testify in opposition.

The Clerk administered the oath to Charlene Wittstruck Brandt.

Charlene Wittstruck Brandt, 15605 Southwest 14th Street, appeared in opposition stating that cluster housing is not in the best interest of the community, wildlife or the land. She also noted the following areas of concern:

- < Increase in taxes
- < Notification process by the Planning Department
- < Quality and quantity of water
- < No documentation regarding water issues
- < Affect on volunteer fire department
- < Poor roads
- < Signage
- < Lack of seeding which will cause erosion

A copy of a study conducted in 1997 in connection with County Change of Zone 177 (Exhibit D) was submitted by Brandt.

Steinman said that according to the 1997 change of zone application there was an indication that rural water was available, however, the closest water line was over three miles away. She asked if that had changed.

Mike DeKalb, Planning Department, stated it had not changed, however, the proposal indicated there would be individual wells. He stated a memo from the Health Department, dated November, 1999, indicated there is an adequate amount of water available and recommended approval of the subdivision contingent upon prospective buyers being notified of the water quality and treatment methods.

DeKalb also stated that the sewer would be individual systems. He stated their approach is that if lots stay at three acres or larger they may have septic systems if the percolation works. If the percolation doesn't work individual lagoons may be used.

3) **PUBLIC HEARINGS CONTINUED:**

In response to a question asked by Heier regarding signage, DeKalb explained that outside the three mile jurisdiction signage must be in place. He said it was a condition of the final plat that those improvements had to be completed prior to scheduling a public hearing before the County Board.

Larry Worrell, County Surveyor, stated that signage was in place at the time the request for inspection was made.

Campbell clarified for the record that if cluster housing is approved, the remaining 96 acres would remain undeveloped. The only way the 96 acres could be developed is if there was a change in the County Zoning Regulations which would require public hearing and approval by the County Board.

DeKalb stated that was correct.

The Chair asked if anyone else wished to provide testimony.

Harre spoke to the issues of water and signage, indicating a test well was drilled by Moser Well Drilling. He stated it pumps 20 gallons of water per minute. Harre added that the pumping well level was 116 feet with a draw down of 20 feet.

Harre submitted a copy of the water analysis from Moser Well Drilling into the record (Exhibit E).

Harre also addressed signage by stating that all requested changes had been made. He indicated any missing signs would be replaced.

The Chair closed the hearing.

MOTION: Heier moved and Hudkins seconded approval of County Final Plat 00012. Hudkins, Steinman, Heier and Campbell voted aye. Workman voted no. Motion carried.

4) **OLD BUSINESS:**

A. An agreement with Gateway Associates to register voters in the common area of Gateway Mall on Thursday, October 26, 2000 from 3 p.m. to 8 p.m. and on Friday, October 27, 2000 from 12 p.m. to 6 p.m. (C-00-510)

David Johnson, Deputy County Attorney, stated all necessary language changes had been made.

4) **OLD BUSINESS CONTINUED:**

MOTION: Steinman moved and Heier seconded approval. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

B. A lease agreement with S & V Homebuilders to lease approximately 3,231 square feet in a building located at 315 South 9th Street, Suite 200 and ten parking spaces. The agreement is a three year agreement from November 1, 2000 to October 31, 2003. The County will pay \$2,825 per month for the first year, \$2,873 per month for the second year and \$2,921 per month for the third year. (C-00-513)

David Johnson, Deputy County Attorney, noted that clerical errors and/or omissions to the agreement had been corrected.

MOTION: Steinman moved and Heier seconded approval of the corrected agreement. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

5) **NEW BUSINESS:**

A. An agreement with the Hispanic Community Center to provide care coordination using the wraparound process for youth and their families, beginning September 1, 2000 and ending August 31, 2001. The County will pay \$50,000 for the services. (C-00-520)

MOTION: Steinman moved and Heier seconded approval. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

B. An agreement with Sheryl Schrepf for consultation and management of the Families First and Foremost Project as the Project Director, beginning October 1, 2000 and ending September 30, 2001. The County will pay \$70,000 for the services. (C-00-519)

MOTION: Steinman moved and Heier seconded approval. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

C. A grant contract with American Red Cross to administer the Communities Helping Immigrants and Refugees Progress (C.H.I.R.P.) project, a telephone access line for new Americans, beginning September 1, 2000 and ending August 31, 2001. The County will pay \$5,000 for the services. (C-00-522)

MOTION: Hudkins moved and Heier seconded approval. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

D. Supplemental Agreement Number 1 with the State of Nebraska, Department of Roads. The original agreement for Project BRO-7055(98) was executed by the County on January 5, 1999 and must be supplemented due to a change in State Aid Bridge Funds and the addition of non-participating work. All other provisions of the original agreement shall continue to apply. (C-00-524)

MOTION: Steinman moved and Workman seconded approval. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

E. Supplemental Agreement Number 1 with the State of Nebraska, Department of Roads. The original agreement for Project BR-3370(2) was executed by the County on June 15, 1999 and must be supplemented due to a change in the project from bridge replacement to bridge widening (rehabilitation) and will be named Project BH-3370(2), Raymond East. The County's estimated cost is \$52,800. (C-00-521)

MOTION: Heier moved and Hudkins seconded approval. Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

F. A contract between Alltel Communications and Lancaster County for digital cellular phone equipment and related services. (C-00-523)

MOTION: Steinman moved and Heier seconded approval. Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

G. A resolution authorizing the removal of traffic signs in Lancaster County: (R-00-130)

Removal of T-intersections signs from the following intersections:

- < South 1st Street south of Van Dorn Street for northbound traffic.
- < Southwest 126th Street north of "A" Street for northbound traffic.
- < Northwest 98th Street south of West Superior Street for northbound traffic.
- < Northwest 112th Street south of West Raymond Road for northbound traffic.
- < West Rock Creek Road east of Northwest 140th Street for westbound traffic.

Removal of a Crossroad warning sign from the following location:

- < Northwest 98th Street north of West Raymond Road for southbound traffic.

MOTION: Heier moved and Hudkins seconded approval of Resolution 00-130. Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

H. A resolution extending the limited moratorium for the issuance and approval of roadhouse and amusement licenses in Lancaster County, Nebraska. The moratorium will be extended through January, 2001. (R-00-132)

MOTION: Hudkins moved and Heier seconded approval of Resolution 00-132.

Kerry Eagan, Chief Administrative Officer, stated a committee had been formed to review the roadhouse license statutes, as well as the County's procedure for issuing permits for mass gatherings and roadhouses. He stated more time is needed to work through the issues because of the large amount of materials gathered and many questions which have arisen.

David Johnson, Deputy County Attorney, submitted a copy of the resolution for the record (Exhibit F). He noted that resolution asks that the moratorium be extended until January 2, 2001.

Steinman said the County Board would not be meeting on January 2, 2001 and asked if the moratorium should be extended to January 9, 2001 instead.

The maker of the motion accepted the change of extending the moratorium to January 9, 2001.

ROLL CALL: Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- I. Release of a real estate mortgage for satisfactory repayment of a loan under the Lancaster County Housing Rehabilitation Program through the Lincoln Action Program for Mark A. and Fay B. Eliker. (M-00-96)**

MOTION: Steinman moved and Workman seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- J. A political subdivision tort claim filed by Martin Moody against Lancaster County. The estimates are \$2,333.49 and \$1,853.24 for damaged property.**

MOTION: Steinman moved and Heier seconded to accept the recommendation of the Workers' Compensation and Risk Manager and deny the claim. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

- K. A political subdivision tort claim filed by EMC Insurance Companies against Lancaster County, in the amount of \$1,860, for services.**

Dave Johnson, Deputy County Attorney, recommended denial.

MOTION: Steinman moved and Hudkins seconded denial of the claim. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

- L. Appointment of Mary Jensen to the Lincoln-Lancaster Women's Commission, term to expire January 1, 2003.**

MOTION: Heier moved and Steinman seconded approval. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. Lincoln City Libraries Director's Report for September, 2000.

MOTION: Hudkins moved and Workman seconded approval of the Consent Item. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Heier moved and Steinman seconded adjournment of the Board of Commissioners meeting. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

Bruce Medcalf
County Clerk